Amendments to the Drawings

As requested in the Office Action, reference numerals 50 and 51 are added to FIG. 7 in the attached replacement sheet 7. A replacement sheet 17 is also submitted to fix a typographical error. No new matter is added by these amendments.

REMARKS

Upon entry of this amendment, claims 1-41 remain pending in the application. By this paper, claims 1-2, 4, 12-15, 22, 26-28, 31-33 have been amended. Claims 3, 5, 20-21, 29-30, and 34-36 have been cancelled largely due to incorporation of their subject matter into independent claims. Replacement sheets for sheets 7 and 17 are submitted. Reconsideration and allowance of the application in light of the amendments and arguments herein is respectfully requested.

Objections to the Specification

The Office Action objected to the specification under MPEP § 608.01 for containing embedded hyperlinks or other forms of browser-executable code. The amendments to the specification, starting at page 2 above, have removed the hyperlinks or browser-executable code; accordingly, the Applicants respectfully request that the objections be withdrawn.

Objection to the Drawings

The Office Action objected to the drawings as failing to comply with 37 C.F.R. 1.84(p)(5) because they did not include the reference numerals 50 and 51 that are mentioned in page 12, lines 16-17 of the specification. Sheet 7 is replaced with the attached replacement sheet so that FIG. 7 now contains reference numerals 50 and 51. Accordingly, the Applicants respectfully request that the objection be withdrawn.

35 U.S.C. §§ 112

The Office Action rejected claims 28-32 under 35 U.S.C. § 112, second paragraph, as being indefinite due to the lack of clarity in the terms "when executed" in claim 28, line 2. Claim 28 has been amended to exclude the terms "when executed." Accordingly, the Applicants respectfully request that the rejection be withdrawn.

35 U.S.C. § 101 Rejections

The Office Action rejected claims 1-21 under 35 U.S.C. § 101 because, according to page 10, lines 6-7 of the specification, "a system" is intended to include software per se, which is not statutory subject matter. Claims 22-27 drawn to "an enhancement mechanism" were rejected for the same reason based on the same passage from the specification. Claims 28-32 drawn to "a program product" were rejected for the same reason based on page 10, lines 17-18 of the specification.

The paragraph of the specification beginning on page 10, line 6 was amended as displayed above for clarity in regards to software. The passage of lines 6-7 has been amended to read "that the various methods described herein may be realized in hardware or in a combination of hardware and software." The next sentence makes clear that it is the system disclosed that "may include various devices, mechanism, and machine readable medium that includes program code – or other apparatus adapted for carrying out the methods describe herein." Accordingly, neither the system nor the enhancement mechanism should be understood from the specification to include software per se, and the rejection is respectfully requested to be withdrawn.

Claim 28 was amended to read "[a] machine readable medium including program code that causes a machine to perform the operations of," after which is listed the steps implemented by such a machine on which runs the machine readable medium including the program code. Additionally, the paragraph beginning on page 10, line 6 was further amended to clarify that any computer program, software program, program, program product, or software includes in its definition "a set of instructions located on a machine readable medium intended to cause a system having an information processing capability to perform a particular function. . ." Accordingly, the Applicants submit that a claim that claims a machine readable medium including program code such as a so-called "In re Beauregard" claim is patentable subject matter and the rejection is respectfully requested to be withdrawn. For instance,

> [w]hen functional descriptive material is recorded on some computer-readable medium, it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since

use of technology permits the function of the descriptive material to
be realized.

MPEP § 2106.01.

35 U.S.C. § 103 Rejections

Claims 1-8, 10-13, 16-27, and 33-38 were rejected under 35 U.S.C. § 103(a)

over U.S. Patent No. 6,379,251 ("Auxier") in view of U.S. Patent No. 6,826,594

("Petterson"). Claims 9 and 28-32 were rejected under § 103(a) as being unpatentable

over Auxier and Pettersen in view of U.S. Patent No. 6,785,659 ("Landsman"). Claim

14 was rejected under § 103(a) as being unpatentable over Auxier and Pettersen in

view of U.S. Patent No. 6,061,660 ("Eggleston"). Claim 15 was rejected under § 103(a)

as unpatentable over Auxier and Pettersen in view of U.S. Patent No. 6,790,138

("Erlichman"). The Applicants respectfully submit that these references, alone or

combined, do not teach each and every feature of the claims.

As amended, claim 1 recites a computer system for enhancing a content object,

including:

> a <u>loader to download</u> a web resource from a host server to a
> client, <u>wherein an enhancement mechanism is downloaded with the
> network resource</u>, wherein the enhancement mechanism includes:
>> a loading module for requesting and loading a content
>> object from a content server to the client, <u>wherein the
>> content object is selected from the group consisting of an
>> image and a banner ad</u>; and
>> an enhancement module for altering an output format
>> of the content object <u>in real time</u>, wherein the enhancement
>> module rearranges image data of the content object and
>> operates on content objects having any of a plurality of
>> formats; and
> <u>wherein the content object is loaded into the enhancement
> mechanism in one of a plurality of formats that do not require
> customization</u>.

Both Auxier and Pettersen fail to teach "wherein the content object is loaded into the

enhancement mechanism in one of a plurality of formats that do not require

customization." The Office Action points to Auxier, column 4, lines 35-40, for disclosure

of this feature. This passage states that "ad server 120 determines the type of ad that

should be displayed, and returns banner ad data to client computer 130." Later, Auxier discloses that

> the banner ad data is represented by a segment of HTML code that includes text, image pointer tags, and applet tags. Upon execution of the segment of HTML code in step 312, client computer 130 will then proceed to retrieve all of the pieces of data necessary to generate the banner ad.

Column 4, lines 41-46. Not only do these passages not teach the recited feature, they tend to indicate that some form of customization is required by putting together the necessary pieces for display of the banner ad. Nowhere does Auxier or Pettersen disclose that the enhancement mechanism receives the content object in "one of a plurality of formats that do not require customization." Just because Auxier states that it determines the type of ad that should be displayed does not mean it does not require customization or even that the ad is of a type it is capable of displaying.

Auxier in view of Pettersen further fail to disclose that any "enhancement module" alters an output format of the content object "in real time." This language was imported from cancelled dependent claim 20. The Office Action cites to Auxier, column 4, lines 35-53 for this feature. The Office Action, however, on page 5, item 16, concedes that Auxier does not specifically teach "that the enhancement module rearranges image data of the content object." Accordingly, the process described in Auxier, column 4, lines 35-53 include steps taken whereby a banner ad is served with an applet executable code from an ad server, but says nothing about rearrangement of the banner ad "in real time." The specification as alluded to in the Office Action defines "real time" as "the content object [being] altered by the RCES without prior adjustment, customization, or any other preparation of the content object for its use by the RCES." Page 9, lines 13-15 (emphasis added). That rearrangement of the content object is done in "real time" is not disclosed by Auxier or Pettersen.

The Applicants also caution against conflation of the term "dynamically" with "in real time" as those respective terms are defined. Because it is disclosed that a web page can be "dynamically rearranged" does not disclose that an enhancement module alters an output format of a content object in real time.

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For at least these reasons, claim 1 is patentable over Auxier in view of Pettersen. Likewise, claims 2, 4, and 6-19 are believed to be patentable by virtue of their dependency from claim 1.

Claim 33 includes similar amendments to those of claim 1 and is patentable for at least the same reasons discussed above. Furthermore, amended claim 33 recites "executing the enhancement module in real time such that image data from the content object is rearranged to convert the content object into a game." The Office Action, on page 10, item 32, contends that conversion of a content object into a game is disclosed by Auxier at column 5, lines 43-47. This passage, however, simply discloses a gaming function based on a user interactivity feature that is "not shown." There is simply no hint or suggestion that an enhancement module "in real time" is executed such that "image data from the content object is rearranged to convert the content object into a game." Furthermore, Pettersen makes no mention of user interaction or creating games of any rearranged images. Accordingly, there is no reason that Pettersen would be used in conjunction with Auxier by one of skill in the art, and the two references, as combined, simply fail to disclose executing the enhancement module in real time such that image data from the content object is rearranged to convert the content object into a game.

For at least these reasons, claim 33 is patentable over Auxier in view of Pettersen. Likewise, claims 38-41 are believed to be patentable by virtue of their dependency from claim 33.

Claim 22, as amended, recites "an enhancement module selected from a plurality of enhancement modules, wherein each enhancement module causes a different visual alteration of the loaded content object in real time." The Office Action points to Pettersen, column 11, lines 40-67, for this teaching. This paragraph, however, recites a laundry list of types of possible dynamic content that may be inserted into a web page at various times, in addition to revenue links insertable within dynamic content.

While Pettersen teaches that "the nature and character of the potential revenue links contained in these varying web pages 793 might be dynamically changed," it does

not teach "wherein each enhancement module causes a different visual alteration of the loaded content object." This is because the very next sentence in Pettersen discloses "[f]or example, the revenue links might be displayed as banner ads one time, and as buttons or hyperlinks another time, or at different times of day." This teaches against claim 22 which recites "a different visual alteration of the **loaded** content object," not a different content object at another time. In other words, claim 22 requires a content object to be loaded for viewing and then the enhancement that occurs is to provide a different visual alteration of the **loaded content**.

The Office Action disagrees with this argument, and further points to Pettersen column 11, lines 21-23 and lines 62-67 that discuss revenue links that "might be dynamically changed." The Applicants reiterate, however, that these passages of Pettersen do not clearly disclose that the loaded content object is undergoing the alteration in lieu of simply loading another variation or a completely new content object. Pettersen, column 10, lines 42-50 also simply discusses how dynamic content is passed from a content database into a web page "zone," but lacks disclosure in regards to alterations of that dynamic content once it is loaded into the system browser.

Furthermore, similarly as discussed above with reference to claims 1 and 33, Auxier in view of Pettersen do not teach that an enhancement module that alters or causes a different visual alteration of the loaded content object "in real time."

Claim 22, as amended, also recites loading the content object for viewing "by a user in one of a plurality of formats that do not require customization." As discussed above with reference to claim 1, Auxier and Pettersen do not teach this feature.

For at least these reasons, claim 22 is patentable over Auxier in view of Pettersen. Claims 23-27 are believed to also be patentable by virtue of their dependency from claim 22.

Claim 28, as amended, recites "wherein each of the plurality of enhancement modules causes a different visual alteration of the passed content object to, in real time, convert the content object into a scrambled version of the content object to create an interactive game for a viewing user." The first feature recited here was just discussed

above with reference to claim 22. Claim 28 is patentable for at least the same reason, e.g., that Auxier and Pettersen do not disclose causing "a different visual alteration of the passed content object." Furthermore, as discussed previously, Auxier and Pettersen do not disclose that the alteration of the content object is "in real time." Finally, Auxier and Pettersen do not disclose that the visual alternation of the content object is to "convert the content object into a scrambled version of the content object to create an interactive game for a viewing user." The distinguishing aspects of these features were discussed with reference to claim 33 and will not be repeated here.

These features that are missing in Auxier and Pettersen are not taught in Landsman, which was cited for teaching the "proxy system" feature of claim 28. Accordingly, Landsman does not make up for a deficiency in the above-recited features.

For at least these reasons, claim 22 is patentable over Auxier and Pettersen in view of Landsman. Claims 31-32 are believed to also be patentable by virtue of their dependency from claim 28.

With this response, the application is believed to be in condition for allowance. Should the examiner deem a telephone conference to be of assistance in advancing the application to allowance, the examiner is invited to call the undersigned attorney at the below telephone number.

Respectfully submitted,

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